

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost)	DOCKET NO. 900001-EI
Recovery Clause and Generating)	ORDER NO. 23321
<u>Performance Incentive Factor.</u>)	ISSUED: 8-7-90

Prehearing Order on Exhibits and Testimony

1. Exhibit Numbers:

Exhibit numbers will be assigned at the hearing. Exhibits will be numbered sequentially, beginning with Exhibit No. 1. Separate numerical sequences for individual parties will no longer be used.

2. Identification of Exhibits Prior to Hearing:

a. The first page of each proposed exhibit shall bear a short, descriptive title.

b. Proposed exhibits shall also contain an identification block on each page, preferably in the upper right corner or the lower right corner. The identification block shall contain a blank space for the exhibit number to be assigned, and shall identify the docket number, utility, and a prehearing identification number consisting of the initials of the witness and a number. The identification block shall also designate the number of pages in the exhibit. An example of an identification block is shown below.

Exhibit No. _____
 Docket No. 900000-EI
 Florida Power & Light Co.
 (SSW-2)
 Page 1 of 2

3. Identification of Exhibits in Prefiled Testimony, Prehearing Statements and Orders:

a. In prefiled testimony and prehearing statements, proposed exhibits shall be identified by prehearing

DOCUMENT NUMBER-DATE

07111 AUG -7 1990

FPSC-RECORDS/REPORTING

ORDER NO. 23321
DOCKET NO. 900001-EI
PAGE 2

identification number and short title. Do not leave blank spaces in the text of prefiled testimony for an assigned exhibit number to be added by court reporters.

b. Exhibits should be sponsored by only one witness whenever possible. Co-sponsorship is only appropriate if more than one witness is required to lay a predicate for the exhibit's admission into evidence. The fact that more than one witness will testify regarding the exhibit is not sufficient reason for co-sponsorship. The prehearing identification number of co-sponsored exhibits should bear the initials of all sponsoring witnesses, for example, (ABC/DEF-1).

c. If a witness, in his prefiled testimony, sponsors an exhibit consisting of an appendix or other attachment to a petition or motion, it must be attached to prefiled testimony and identified as described above. It will not be sufficient to identify the exhibit and state where it can be located.

d. Multi-part or composite exhibits must have a short, descriptive title for the entire exhibit as well as for each sub-part of the exhibit. The exhibit must contain a cover or title page which identifies each sub-part. If it is absolutely necessary to have separate witnesses lay a predicate for separate portions of the exhibit, the title page must also identify the witness who will sponsor each portion of the exhibit. Multi-part or composite exhibits must be identified on prehearing statements and prehearing orders by the title and prehearing identification number for the exhibit, and must further list each sub-part of the document.

4. Testimony and Exhibits at Hearing:

a. At the hearing each party must supply the court reporter with a "record copy" of each item of testimony and each exhibit which will be entered into the record. The court reporter will no longer be responsible for locating, collating, or correcting testimony or exhibits. It is not necessary to provide other parties with copies at hearing if the record copy merely consolidates testimony or exhibits. However, if the record copy corrects or revises previously filed testimony or

ORDER NO. 23321
DOCKET NO. 900001-EI
PAGE 3

exhibits, a copy of the corrected or revised portion must also be supplied to all other parties. If such changes are numerous or complex an errata listing must also be supplied. The witness is still required to testify at hearing to changes or revisions.

b. The record copy of testimony will consist of the final, consolidated version of the witness's testimony, complete with all corrections. The title page of the testimony must clearly identify the witness, sponsoring party and docket, and must further identify each item of prefiled testimony which it replaces, consolidates, or corrects. Revised or corrected pages in the record copy must be identified as revised or corrected.

c. If a witness has filed more than one item of testimony (such as two items of direct testimony, or an initial item of direct testimony with later, supplemental testimony) the record copy must consolidate the items. Only one consolidated, final version of direct testimony and one consolidated, final version of rebuttal testimony may be filed for any witness. Surrebuttal, if used, may be filed separately under the same conditions. In the past, some witnesses have prefiled separate items of direct testimony in a docket, with each item of testimony covering a different issue or subject matter in that docket. Unless specifically required by the Commission, this practice is not acceptable.

d. The record copy of testimony must be stapled or otherwise securely fastened in the upper left corner. It may not be bound.

e. The record copy of exhibits which accompany the record copy of testimony should not be stapled to the testimony. The record copy of each exhibit should be separately stapled. Exhibits accompanying the record copy of testimony should be clipped to the testimony with a binder clip, or bundled with a rubber band.

f. The proffering attorney must identify each exhibit by title and prehearing identification number when requesting assignment of an exhibit number at hearing. When requesting an exhibit number for late-filed exhibits, the attorney must supply a short, descriptive title for the exhibit.

ORDER NO. 23321
DOCKET NO. 900001-EI
PAGE 4

g. Parties are encouraged to supply the court reporter, at hearing, with a supplemental exhibit list of all proposed exhibits which were not included in the prehearing order. The list should be similar in format to the exhibit list contained in the prehearing order in that docket.


5. Stipulations as to Testimony and Exhibits

a. On occasion, parties stipulate that prefiled testimony be inserted into the hearing record as though read, and that cross-examination of the witness be waived. Similarly, parties may stipulate that prefiled exhibits be admitted into evidence. Such stipulations are encouraged, but do not relieve the party of the requirements outlined herein. Further, it remains the responsibility of the party on whose behalf the testimony or exhibits are offered to secure exhibit numbers at hearing for all stipulated exhibits, and to move for insertion of these items into the hearing record, unless excused from doing so by the Prehearing Officer.

b. Stipulated testimony and exhibits may be moved into evidence at the beginning of a hearing, before witnesses are heard.

ORDERED by the Florida Public Service Commission that these proceedings shall be governed by this order unless modified by the Commission.

By ORDER of Commissioner Betty Easley, Prehearing Officer,
this 7th day of AUGUST, 1990.



BETTY EASLEY, Commissioner
and Prehearing Officer

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